



**U.S. Department of Justice**

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December 17, 2015

**VIA ECF AND HAND DELIVERY**

The Honorable Leda Dunn Wettre  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 07101

Re: *Golden, et al. v. New Jersey Institute of Technology, et al. v. Federal Bureau of Investigation*, 15-cv-08559

Dear Judge Wettre:

The Government writes in response to Defendants/Third-Party Plaintiffs' December 17, 2015 letter opposing the Government's December 16, 2015 letter requesting a stay of discovery and to dissolve, to the extent necessary, the state court order scheduling a hearing for January 4, 2016. Defendants/Third-Party Plaintiffs contend that responses to their Requests for Admission are necessary so that they may "address any contemplated fee application by plaintiffs." This does not constitute a sufficient basis to deny the Government's request to stay discovery.

At this time, not only is there no fee application by the Plaintiffs, the Government has informed the Court that it plans to file a motion to dismiss the Third-Party Complaint on the grounds that, among other things, the Court lacks jurisdiction over the claims therein against the FBI. Under these circumstances, there is good cause to stay discovery. Indeed, the requested discovery has no bearing on the Government's motion to dismiss; rather, it relates solely to a hypothetical or so-called "contemplated" application for fees by Plaintiffs. Accordingly, Defendants/Third-Party Plaintiffs will suffer no prejudice if a stay is ordered. On the other hand, the FBI will have to expend resources to respond to discovery when this Court may not even have jurisdiction over the claims Defendants raise in the Third-Party Complaint. And in the event FBI's motion to dismiss is denied, discovery can be renewed as appropriate. The balance of equities, accordingly, favors a stay of discovery.

Finally, the Government contends that the Court can decide this issue without holding a conference on January 4, 2016.

Respectfully submitted,

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By: /s/ Karen D. Stringer  
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